IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.489 OF 2005
IN
SUM. SUIT NO.3705 OF 2004

M/s. A. Himanshu & Co. .. ..Plaintiffs
Versus
M/s. B.V. Jewels & Ors. .. ..Defendants

Mr.Ahmed Sayed i/b Halai & Co. for plaintiffs

Mr.D.D.Madon, Sr. Counsel i/b S.Pathak & Co. for defendants

CORAM : S.J.VAZIFDAR, J.

DATE : 28TH FEBRUARY, 2006

P.C.

1. This chamber summons is taken out by the defendants for disclosure and for further and better particulars, as contained in the Schedule to the Chamber Summons.

2. By Item I(a)(i) to the Schedule, the plaintiffs is called upon to disclose the name of the partner of the defendants, who allegedly contacted the plaintiffs and the name of the partner of the plaintiffs whom the defendants allegedly contacted on 8.2.2003 as averred in

para 2 of the plaint. The particulars in this regard have been agreed to be given.

3. Items I (a)(ii) and (iii) pertain to whether the aforesaid contact was oral or in writing. It is not necessary at this stage to consider the same. Liberty to the defendants to apply after the disclosure is made, as noted above and after the affidavit of documents are filed by both parties.

4. Regarding Item I(b)(i), the same is not relevant as it only pertains to the office of the plaintiffs where the said Gondalya visited.

5. By Item I(b)(ii), the defendant has applied for production of any documents showing that Gondalya was their authorised representative. The learned counsel appearing on behalf of the plaintiffs state that the plaintiffs will be examining a witness with the knowledge of whether Gondalya was the representative of the defendants or not.

6. Regarding Item I (c)(i), the contents of the same have already been disclosed in para 2 of the

plaint. There shall be no order in that regard.

7. There shall be no order in respect of Item I (c)(ii), as it is immaterial at this stage for the defendants to know which partner of the plaintiff handed over diamonds to Gondalya. As regards the inspection of the Stock Register of the plaintiffs the same is premature. The affidavit of documents has yet not been filed by either of the parties.

8. The learned counsel appearing for the plaintiffs in respect of Item II (a) states that the name of the partner will be disclosed.

9. Liberty to the defendants to apply regarding Item II(a)(ii).

10. Regarding Item II (b) the learned counsel appearing on behalf of the plaintiff states that the sale was made on 3.3.32003 and not on 8.2.2003.

11. Regarding Item II (b) (ii), the same is not necessary at this stage as the affidavit of documents is not yet filed.

12. For the same reason there shall be no order in respect of Item III (a) (i).

13. Item III (b) is also disposed of in view of the statements that the plaintiff considered the sale as having been made on 3.3.2003.

14. There shall be no order in respect of Item IV (a) (i) in so far as the name of the partner of defendants and the plaintiffs are concerned.

15. Regarding Item IV (b) the same is not necessary for the purpose of filing the written statement.

16. The Chamber Summons is accordingly disposed of.

17. The particulars shall be furnished within four weeks from today. The defendants shall file the written statement four weeks thereafter.